

IN THE MATTER OF                 :         NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF         :         STATE BOARD OF EXAMINERS  
JERROD C. WATSON             :         ORDER OF REVOCATION  
\_\_\_\_\_ :         DOCKET NO: 487-09/98-195

At its meeting of September 24, 1998, the State Board of Examiners reviewed information received from the Essex County Superintendent of Schools indicating that on April 3, 1998, Jerrod C. Watson was convicted of conspiracy and robbery in the 2nd degree. On April 3, 1998, Watson was sentenced to eight years' incarceration with three years of parole ineligibility. Watson currently holds Teacher of Health Education and Teacher of Physical Education certificates. Upon review of the above information, at that September meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Watson the Order to Show Cause by regular and certified mail on October 21, 1998. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within 20 days. On October 29, 1998, Watson responded to the Order to Show Cause requesting an extension of time in which to reply. The State Board of Examiners granted that request and extended Watson's time to reply until December 4, 1998.

On December 4, 1998, Watson submitted a response to the Order to Show Cause. In that Answer, Watson stated that he had denied all the charges against him and that he had no knowledge of or involvement with the crime. (Answer, ¶1). Watson also explained that the Prosecutor had presented two liars to testify against him and that although the jury did not believe them it still "came up with a verdict that is totally inconsistent and against the weight of the evidence". (Answer, ¶2). Watson also argued that his criminal sentence was enough punishment and that the "alleged crime had nothing to do with the school or the students." (Answer, ¶3). Watson also tried to argue that he was convicted of much different and lighter charges than those originally brought against him. (Answer, ¶3). Finally, Watson urged the Board of Examiners to

look at his record as a teacher and not to deny him the ability to earn a living since he was innocent. (Answer, ¶¶3,4).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on March 8, 1999, the Board of Examiners sent Watson a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Watson was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail copy of the hearing notice was signed and returned. The regular mail copy was not returned. Watson did not respond to the hearing notice. On April 28, 1999, the State Board of Examiners advised Watson by regular and certified mail that he was being afforded another 10 days to respond to the hearing notice. The certified mail was again signed and returned and the regular copy was not returned. Watson never responded.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Watson's conviction for conspiracy and robbery in the 2<sup>nd</sup> degree constitutes conduct unbecoming a certificate holder. At its meeting of June 17, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Watson's submissions, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Watson admitted that he was convicted by the jury for the charges outlined in the Order to Show Cause and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Watson's offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. After our independent review of the record, we find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." Tenure of Sammons, 1972 S.L.D. 302, 321. Watson's acts of robbery and conspiracy demonstrate a clear lack of restraint and are inexcusable for any individual, teacher or not. While Watson may have been an excellent teacher in the classroom, he has not demonstrated like behavior outside that arena.

Watson argues that he should retain his certificate since the incident does not implicate his teaching career. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See Cox v. State Board of Examiners, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981).

Moreover, in the tenure context, the Commissioner has long held that teachers serve as role models for their students. That principle is equally applicable here. Therefore, a teacher's whole life is subject to scrutiny, not just his actions within the schoolhouse doors:

[R]espondent's argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school

property. See, In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland County, 1965 S.L.D. 159, aff'd State Board of Education 1970 S.L.D. 448; In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County, 1971 S.L.D. 623.

In the Matter of the Tenure Hearing of Robert H. Beam, 1973 S.L.D. 157, 163. Watson therefore cannot exclude his "out-of-school" behavior from this tribunal's examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, Watson's offense was serious enough to warrant an eight-year prison sentence. Moreover, another individual is now dead because of this robbery.

Other than being a role model for greed and violence, Watson cannot exert a positive influence on any schoolchild. The Board of Examiners would be shirking its responsibility to New Jersey's children by allowing Watson to remain a teacher.

Accordingly, it is therefore ORDERED that Jerrod C. Watson's Teacher of Physical Education and Teacher of Health Education certificates be revoked on this 17th day of June, 1999. It is further ORDERED that Jerrod C. Watson return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

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Secretary  
State Board of Examiners

Date of Mailing: August 6, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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